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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,981	12/11/2003	Toshihiko Munetsugu	32161US2	1257
116	7590	09/22/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			NGUYEN, MAIKHANH	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,981	Applicant(s) MUNETSUGU ET AL.	
	Examiner Maikhanh Nguyen	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/467,231.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: this application was filed 12/11/2003 as a continuation application of 09/467,231, filed 12/20/1999, foreign priority 12/25/1998; IDS filed 12/11/2003.
2. Claims 1-34 are currently pending in this application. Claims 1, 9, 17, and 27 are independent claims.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Correction is required.
4. The abstract of the disclosure is objected to because it exceeds the limit of 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Uogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application No. 09/467,231 in view of **Wilcox et al.** "Annotation and Segmentation for Multimedia Indexing and Retrieval", published 01/1998 (cited by Applicant's IDS). Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the instant application and claim 55 of co-pending application 09/467,231 are both claiming: *inputting content description data describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes, and scores that are attribute information of the media content representing degree of relative importance of each of said plurality of segments the media content; and selection means for selecting one of said plurality of segments based on the scores.* The only difference between the instant application and copending application No. 09/467,231 is the instant application further recites " a view point represented by at least one keyword describing scenes". For "a view point represented by at least one keyword describing scenes," Wilcox teaches "*retrieval is performed by computing a score for each segment, where the score is the sum of the weights for keywords in the query*" (page 5, right column, second full paragraph).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Wilcox in the system of the instant application because it would have provided the capability for efficiently retrieving and reviewing the desired segments.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, 11-17, 19-27 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** (U.S. 5,664,227, issued 09/1997, cited by Applicant's IDS) in view of **Wilcox et al.**

As to independent claim 1, Mauldin teaches a data processing apparatus comprising:

- inputting content description data describing plurality of segments in which each of said plurality of segments represents a scene of media content constituted by a plurality of scenes (e.g., *the video data 20 is input into an image process function ...then segmenting that digitalized video data into paragraph based on content; col.5, lines 16-29*); and
- selection means for selecting one of said plurality of segments (e.g., *selecting representative frames from each of the video segments; col.3, lines 21-31/ the selection of video segments; col.5, lines 10-15*).

Mauldin does not specially teach "scores that are attribute information of the media content representing a viewpoint representing by at least one keyword describing scenes, the

scores also representing degree of relative importance of each of said plurality of segments based on the viewpoint.”

Wilcox teaches scores that are attribute information of the media content representing a viewpoint representing by at least one keyword describing scenes, the scores also representing degree of relative importance of each of said plurality of segments based on the viewpoint (*e.g., Retrieval is performed by computing a score for each segment ... a list of segments ordered by their scores, where the higher scoring segments should be relevant to the query ... user can then review the segments in order and select the appropriate ones; page 5, right column, second full paragraph*).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Wilcox in the system of Mauldin because it would have provided the capability for arranging the order of the video segments a way that allows users to select, more efficiently, the desired segments for reviewing.

As to dependent claim 3, Mauldin teaches the content description data includes supplemental information (*col.5, lines 31-44*).

As to dependent claim 4, Mauldin teaches the media content corresponds to video data and/or audio data (*Fig. 2, video data 20 & audio data 18*).

As to dependent claim 5, Mauldin teaches each of the plurality of segments is provided with linkage information for linking to dominant data that presents the segment (*col.5, lines 31-44*).

As to dependent claim 6, Mauldin teaches the dominant data is text data, image data and/or audio data (*col.4, lines 53-67*).

As to dependent claims 7-8, Mauldin teaches a plurality of sets of the viewpoint and the scores are described in one segment (*col.5, lines 1-9 and item 48 in Fig.1*).

As to independent claim 9, the rejection of claim 1 above is incorporated herein in full.

As to dependent claims 11-16, they include the same limitations as in claims 3-8, and are similarly rejected under the same rationale.

As to independent claim 17, the rejection of independent claim 1 above is incorporated herein in full. Additionally, claim 17 further recites "a plurality of scenes that are marked off by time according to scene boundary, and scores that are attribute information of the media contents presenting time information describing scene boundaries."

While Mauldin teaches a plurality of scenes that are marked off by time according to scene boundary (*to identify segment boundaries, the image processing function 231 locates beginning and end points for each shot, scene, conversation, or the like by applying machine vision methods the interpret image sequences; col.5, lines 16-29*), but does not specially teach "scores that are attribute information of the media contents presenting time information."

Note the discussion of claim 1 above for rejection of "scores that are attribute information of the media contents presenting time information."

As to dependent claims 19-24, they include the same limitations as in claims 3-8, and are similarly rejected under the same rationale.

As to dependent claims 25-26, Mauldin teaches the time information includes starting time and ending time of each scene (*e.g., beginning and end points for each shot, scene; col.5, lines 25-29 and col.8, lines 55-59*).

As to independent claim 27, the rejection of claim 17 above is incorporated herein in full.

As to dependent claims 29-34, they include the same limitations as in claims 3-8, and are similarly rejected under the same rationale.

As to dependent claims 35-36, they include the same limitations as in claims 25-26, and are similarly rejected under the same rationale.

7. Claims 2, 10, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mauldin et al.** in view of **Wilcox et al.** "Annotation and Segmentation for Multimedia Indexing and Retrieval" and further in view of **Ozsoyoglu et al.** "Automating the Assembly of Presentation from Multimedia Databases" (cited by Applicant's IDS), issued 1996.

As to dependent claims 2, 10, 18, and 28, the combination of Mauldin and Wilcox does not teach "the plurality of segments are hierarchically described."

Ozsoyoglu teaches the plurality of segments are hierarchically described (*each segment in the multimedia is denoted by a node; page 595, left column & Figs. 3.1 & 3.2*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ozsoyoglu's teachings in the system of Mauldin as modified by Wilcox because it would have provided capability for organizing the segments of multimedia contents in the system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yeo et al. U.S Patent No. 5,708,767 issued: Jan. 13, 1998

Altunbasak et al. U.S Patent No. 6,389,168 issued: May 14, 2002

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. After mid-October, 2004, the examiner can be reached at (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (703) 305-9792.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
September 16, 2004


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER